

By: González of El Paso

H.B. No. 3289

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the penalties for a violation of a quarantine or rule to
3 protect pecans or pecan trees from diseases or pests; increasing
4 civil and criminal penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 71.012, Agriculture Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) Except as provided by Subsection (a-1), a [A] person who
10 violates this subchapter or a rule adopted under this subchapter is
11 liable to the state for a civil penalty of not less than \$250 nor
12 more than \$10,000 for each violation. Each day a violation
13 continues may be considered a separate violation for purposes of a
14 civil penalty assessment.

15 (a-1) A person who violates a quarantine established under
16 this subchapter against a pest or disease affecting pecans or pecan
17 trees or violates a rule adopted under this subchapter for the
18 protection of pecans or pecan trees is liable to the state for a
19 civil penalty of not less than \$500 nor more than \$20,000 for each
20 violation. Each day a violation continues may be considered a
21 separate violation for purposes of a civil penalty assessment.

22 SECTION 2. Section 71.013, Agriculture Code, is amended by
23 amending Subsection (b) and adding Subsection (b-1) to read as
24 follows:

1 (b) Except as provided by Subsection (a-1), an [An] offense
2 under this section is a Class C misdemeanor.

3 (b-1) An offense under this section is a Class B misdemeanor
4 if the violation involves a pecan, all or part of a pecan tree, or a
5 pest or disease affecting pecans or pecan trees.

6 SECTION 3. The changes in law made by this Act apply only to
7 an offense or other violation committed on or after September 1,
8 2021. An offense or other violation committed before September 1,
9 2021, is governed by the law in effect on the date the offense or
10 violation was committed, and the former law is continued in effect
11 for that purpose. For purposes of this section, an offense or
12 violation was committed before September 1, 2021, if any element of
13 the offense or violation occurred before that date.

14 SECTION 4. This Act takes effect September 1, 2021.